

MONTANA LEGISLATIVE HISTORY

Chapter 234 1981

Bill H _____ S 336 Original bill & history ____C

H. Committee on Judiciary

Hearing Date(s) Mar 16 ✓ C

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Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) Feb 14 ✓ C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

RETURNED TO SENATE: 3/26

TRANSMITTED TO GOVERNOR: 4/3/81

ACTION: 4/8, SIGNED
CHAPTER 303

SB 335 -- HAZELBAKER -- ADOPTING A NEW DEFINITION MARINE, INLAND WATER
AND TRANSPORTATION INSURANCE.

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY: 1/30

HEARING: 2/14

REPORT: 2/19, DO PASS AS AMENDED

2ND READING: 2/21, DO PASS

3RD READING: 2/25, YEAS: 49; NAYS: 0

TRANSMITTED TO HOUSE: 2/25

REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 3/3

HEARING: 3/11

REPORT: 3/11, BE CONCURRED IN

ON MOTION, 3/21, PASSED FOR THE DAY.

2ND READING: 3/24, AS AMENDED -- YEAS: 86; NAYS: 0

ON MOTION, 3/27, RECOMMITTED TO 2ND READING

2ND READING: 3/28, AS AMENDED -- YEAS: 68; NAYS: 2

3RD READING: 3/31, YEAS: 85; NAYS: 10

RETURNED TO SENATE WITH AMENDMENTS: 3/31

2ND READING: 4/10, BE CONCURRED IN

ON MOTION, 4/11, RULES SUSPENDED, PLACED ON 3RD READING

3RD READING: 4/11, YEAS: 47; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/16/81

ACTION: 4/21, SIGNED
CHAPTER 467

SB 336 -- RYAN, TOWE, MAZUREK -- ALLOWING THE BOARD OF PARDONS TO
DELEGATE CERTAIN HEARING FUNCTIONS.

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY: 1/30

HEARING: 2/14

REPORT: 2/14, DO PASS

2ND READING: 2/18, DO PASS AS AMENDED

3RD READING: 2/20, YEAS: 46; NAYS: 2

TRANSMITTED TO HOUSE: 2/20

REFERRED TO COMMITTEE ON JUDICIARY: 2/21

HEARING: 3/16

REPORT: 3/16, BE CONCURRED IN

2ND READING: 3/21, YEAS: 89; NAYS: 0

3RD READING: 3/24, YEAS: 96; NAYS: 0

RETURNED TO SENATE: 3/24

TRANSMITTED TO GOVERNOR: 3/28/81

ACTION: 4/1, SIGNED
CHAPTER 234

SB 337 -- PEGAN, BLAYLOCK, TOWE, ET AL -- PROVIDING PROPERTY TAX RELIEF
FOR HOMEOWNERS AND RENTERS BY ALLOWING AN INCOME TAX CREDIT.

FISCAL NOTE: REQUIRED

INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION: 1/30

HEARING: 2/12

REPORT: 3/23, DO PASS

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 14, 1981

The twenty-eighth meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 411:

DELETING THE REQUIREMENT THAT DEPT. OF
HEALTH APPROVE COUNTY SERVICES FOR
MEDICAL AID TO INDIGENTS.

Senator Hims1, District 9, Kalispell, introduced the bill at the request of the Audit Committee. The purpose is to do away with a requirement for approval of medical services that is being ignored by county commissioners.

Chad Smith, speaking for the Montana Hospital Association, spoke in support of the bill.

CONSIDERATION OF SENATE BILL 335:

ADOPTING A NEW DEFINITION OF MARINE,
INLAND MARINE, AND TRANSPORTATION
INSURANCE.

Senator Hazelbaker, District 41, Dillon, introduced the bill at the request of the State Insurance Department. Its purpose is to bring into conformity the definition of certain types of insurance with those in other states.

Josephine Driscoll, Chief Deputy Insurance Commissioner for the State Insurance Department, spoke in support of the bill, saying it would be much more beneficial to the insurance carriers to use the same forms nationwide.

CONSIDERATION OF SENATE BILL 336:

ALLOWING THE BOARD OF PARDONS TO
DELEGATE CERTAIN HEARING FUNCTIONS.

Senator Ryan introduced the bill, stating that its purpose is to grant authority for one member of the Parole Board to conduct the interview prior to parole of prisoners and to

allow authorities from another state to conduct interviews prior to release of prisoners to Montana. He pointed out that this would avoid unnecessary expense to Montana of sending a state official to conduct the interview.

Hank Bridges, Chairman of the State Parole Board supported the bill because of the convenience and because of the mone which would be saved.

CONSIDERATION OF SENATE BILL 341:

PROVIDING FOR TRIAL IN ANY COUNTY WHERE
AN OFFENSE THAT IS PART OF A COMMON
SCHEME IS COMMITTED.

Senator Mazurek introduced the bill at the request of the Attorney General's office and the Blaine County Attorney. He said the concept of the bill arose as a result of a particular case in Blaine County involving two men convicted of breaking into jukeboxes in two different counties, but as a part of a continuing operation. Rather than charge them with one misdemeanor in each of two counties, the Blaine County Attorney charged them with a single felony for both crimes.

In response to a question from Senator O'Hara, Senator Mazur specified that only if there was a common thread and a defin relationship running through several crimes could the crimes be charged in one county.

CONSIDERATION OF SENATE BILL 407:

SPECIFYING THE DISCIPLINARY AUTHORITY OF
PROFESSIONAL & OCCUPATIONAL LICENSING BOARDS.

Senator S. Brown introduced the bill and presented a handout stating the problem which had suggested this bill (marked Exhibit A and attached to these minutes).

CONSIDERATION OF SENATE BILL 400:

TO CLARIFY THAT UPON PETITION FOR REHEARING
OF A SUPREME COURT DECISION THE ADVERSE
PARTY MAY FILE OBJECTIONS.

Senator Halligan, at the request of the Attorney General's Office, introduced the bill.

John Maynard, Assistant Attorney General, stated that its purpose is to conform the criminal rule with the civil rule relative to the seven-day period in which to request a rehearing following an adverse Supreme Court opinion.

FURTHER CONSIDERATION OF SENATE BILL 335:

ADOPTING A NEW DEFINITION OF MARINE,
INLAND MARINE, & TRANSPORTATION
INSURANCE.

Senator Olson moved that the bill receive a do pass. David Niss pointed out that on page 6, line 3, reference is made to exclusion of certain motor vehicles; and that on page 8, line there is the same exclusion, except it refers to "motor homes" as "auto homes". Since there is no definition of either provided, it is hard to know if the two are supposed to be the same. Also, on page 16, line 8, he pointed out the term "wet marine insurance", a term which is no longer defined in the law. Senator Olson withdrew his motion.

DISPOSAL OF SENATE BILL 336:

Senator Mazurek moved that the bill DO PASS, and his motion carried unanimously.

DISPOSAL OF SENATE BILL 341:

Senator Anderson moved that the bill DO PASS, and the motion carried unanimously.

DISPOSAL OF SENATE BILL 400:

Senator S. Brown moved the bill DO PASS, and his motion carried unanimously.

DISPOSAL OF SENATE BILL 407:

David Niss pointed out that a Statement of Intent would be needed with this bill, and agreed to provide one. Senator S. Brown then moved that the bill, along with the Statement of Intent, DO PASS, and the motion carried unanimously.

DISPOSAL OF SENATE BILL 411:

Senator Berg moved DO PASS, and his motion carried unanimously.

FURTHER CONSIDERATION OF SENATE BILL 288:

Senator Anderson stated that Jeanne Anderson, Billings, a member of the Judicial Standards Commission, had wanted to testify in committee relative to her reservations about this bill. Senator S. Brown said that he had talked to her when she was in Helena, and felt that her fears about this bill had been put to rest. Senator Anderson said that he had agreed to hold the bill, along with SB 369, until he hears from Ms. Anderson. Senator S. Brown then stated that he has a real

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
March 16, 1981

The House Judiciary Committee was called to order by Chairman Kerry Keyser at 8:00 a.m. in Room 437 of the Capitol. All members were present. Jim Lear, Legislative Council, was present.

SENATE BILL 336 SENATOR RYAN, sponsor, stated this bill will allow the Board of Pardons to delegate certain hearing functions relative to parole eligibility. It simplifies matters. Rather than send an official of the prison out of state to conduct the interview it allows an out-of-state official to conduct the interview and present it to the Board of Pardons.

HANK BURGESS, Board of Pardons, was in support of the bill. This will save the state money. Montana has inmates in Billings and in Swan River. The Board has been sending hearing officers to both facilities but have not been covered on that. This will allow that.

There were no further proponents.

There were no opponents.

In closing, the Senator stated this will facilitate the process of whether parole will be granted.

REP. CURTISS asked will these people be as qualified as the ones who do it now. BURGESS replied the present people are members of the staff. It will remain the same only out of state boards will be able to conduct the interview.

REP. ANDERSON asked what different adult correctional facilities there are. BURGESS replied they are called different names from state to state.

SENATE BILL 306 SENATOR HIMSL, sponsor, stated this bill is to amend 1-2-201 to change the automatic effective date of non-appropriation statutes to October 1st. EXHIBIT 1.

There were no proponents.

There were no opponents.

The Senator closed the bill.

No questions were asked by the committee.

SENATE BILL 316 SENATOR TOWE, chief sponsor, stated this bill is to amend 7-4-2613 to require County Clerks to record a document

Judiciary Committee
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There were no further proponents.

There were no opponents.

No questions were asked.

EXECUTIVE SESSION

The House Judiciary Committee went into Executive Session at 9:00 a.m.

SENATE BILL 306 REP. SEIFERT moved do pass.

The motion carried unanimously. REP. ANDERSON was assigned to carry the bill on the House Floor.

SENATE BILL 316 REP. EUDAILY moved do pass. REP. EUDAILY moved the amendments do pass as in EXHIBIT 2. The motion carried.

REP. EUDAILY moved do pass as amended.

REP. YARDLEY showed the committee copies of the form used for joint tenancy.

The motion of do pass as amended carried. REP. YARDLEY was assigned to carry the bill on the House Floor.

SENATE BILL 336 REP. TEAGUE moved do pass. He felt this would save travel and hotel expenses.

REP. CONN agreed the bill is important because the state is needlessly sending people out to do this.

REP. CURTISS felt this would be using people other than those on the staff.

REP. MATSKO stated by allowing the board to designate a staff member to conduct some of the interviews would be better. If there was an inmate in Great Falls to be released he could be interviewed by someone there so designated instead of someone from the prison going up for the interview. The report to the board would be the same.

REP. HUENNEKENS felt that statutory authority was needed.

JIM LEAR stated 46-23-202 requires the Board of Pardons to interview a prisoner prior to release on parole.

REP. HUENNEKENS stated this is a multi-step process. This would clarify the process before the final step. JIM LEAR replied that is true, it is fine to leave it in there. If the sponsor intended to have the interview by out of state people that would be in conflict with the mandate in 46-23-202.

REP. HANNAH asked if this would allow for a parole without a direct interview of the board. JIM LEAR stated if this is enacted and 202 is left the way it is it would be a tough decision.

The motion of do pass carried with IVERSON, KEEDY, EUDAILY and HANNAH voting no. REP. MATSKO was assigned to carry the bill on the House Floor.

SENATE BILL 341 REP. SEIFERT moved do pass.

REP. KEEDY made a motion on line 15 following "more" to insert "acts or" and to amend the title accordingly.

REP. YARDLEY was opposed to the amendment as he felt it was already covered. REP. KEEDY stated if an act is committed in furtherance of a common scheme then you could prosecute in the county where the act is committed.

The amendment resulted in a roll call vote. Those voting yes were: SEIFERT, BENNETT, CONN, CURTISS, HANNAH, MATSKO, MCLANE, ANDERSON, HUENNEKENS, and KEEDY. Those voting no were: KEYSE, EUDAILY, IVERSON, ABRAMS, SHELDEN, TEAGUE, YARDLEY and BROWN. The amendment carried 10 to 8.

REP. SEIFERT moved do pass as amended. The motion carried unanimously.

REP. CONN was assigned to carry the bill on the House Floor.

SENATE BILL 400 REP. SEIFERT moved do pass.

REP. KEEDY stated "objections" and "reply" seems interchangeable. JIM LEAR stated the amendment is ignoring the issue of whether they are interchangeable. REP. HUENNEKENS stated there is no reference for reply since that is being stricken from the bill